

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIRAL DRM LLC,
Plaintiff,

v.

THE YOUTUBE UPLOADERS LISTED
ON SCHEDULE A, et al.,
Defendants.

Case No. 3:23-cv-04300-JSC

**ORDER RE: PRELIMINARY
INJUNCTION**

Dkt. No. 5

Plaintiff Viral DRM LLC syndicates and licenses video content of extreme weather events from around the world. Plaintiff brings copyright infringement claims against Defendants, listed in Schedule A to the Complaint (Dkt. No. 1-2 at 2). Plaintiff alleges Defendants downloaded and copied Plaintiff's copyrighted materials from YouTube, and then re-uploaded infringing versions of Plaintiff's copyrighted media content to their YouTube channels to advertise, market, and promote their YouTube channels and subscriber base. Plaintiff's complaint was accompanied by a motion for a temporary restraining order (TRO) and a motion for preliminary injunction seeking to enjoin Defendants from further use of its copyrighted material and to restrain transfer of assets from the related accounts. (Dkt. No. 5.)

On August 29, 2023, the Court granted Plaintiff's TRO, granted Plaintiff's motion for alternative service, and set a hearing date for Plaintiff's motion for a preliminary injunction. (Dkt. Nos. 20, 21.) The Court has twice extended the TRO to allow Plaintiff to obtain information from Google, LLC identifying additional YouTube uploaders who Plaintiff believed were the same as those listed in Schedule A to the Complaint or working in concert with those listed in Schedule A. (Dkt. Nos. 31, 37.) On October 18, 2023, Plaintiff served Defendants by email. (Dkt. No. 44.) On October 31, 2023, the Court heard Plaintiff's motion for preliminary injunction; Defendants

1 had not appeared or otherwise opposed the motion for a preliminary injunction. Based on the
2 Court's review of the briefs and supporting evidentiary submissions, and for the reasons stated in
3 the Court's prior order (Dkt. No. 20), the Court converts the TRO into a preliminary injunction
4 and GRANTS the motion for a preliminary injunction as follow:

- 5 1. The Court enjoins each Defendant, their agents, officers, directors, employees,
6 agents, subsidiaries, distributors, and all persons in active concert or participation
7 with any Defendant having notice of this Order: from downloading, uploading,
8 copying, displaying, distributing or creating derivative works of Plaintiff's
9 copyrighted works or any other of Plaintiff's copyrighted video content; and
- 10 2. Each Defendant, their agents, officers, directors, employees, subsidiaries,
11 distributors, and all persons in active concert or participation with any Defendant
12 having notice of this Order shall immediately discontinue, until further Order of
13 this Court, all uses of Plaintiff's copyrighted works, on or in connection with all
14 YouTube channels and other video broadcasting channels owned and operated, or
15 controlled by them, including the YouTube channels defendants operate.
- 16 3. Each Defendant, their officers, directors, employees, agents, subsidiaries,
17 distributors, and all persons in active concert or participation with any Defendant
18 having notice of this Order shall immediately discontinue, until further Order of
19 this Court, the use of Plaintiff's copyrighted works, on any YouTube channel,
20 Facebook page, or any other webpage registered, owned, or operated by any
21 defendant, including the defendants' YouTube channels.
- 22 4. Each Defendant shall not transfer ownership or control of their YouTube channels
23 and Google AdSense accounts during the pendency of this action, or until further
24 order of the Court.
- 25 5. Each Defendant shall continue to preserve copies of all computer files relating to
26 the defendants' YouTube channels and shall take all steps necessary to retrieve
27 computer files relating to their YouTube channels that may have been deleted
28 before the entry of this Order.

6. Google LLC shall continue to secure the AdSense accounts (the “Accounts”) associated with the following YouTube channels: @climatechange, @Wahrheit, @ashrafs, @worldisdangerous-WID, @naweather4500, @climatechange, and @ExtremeWeatherEvents (the “Channels”), and prevent the disbursement, transfer or withdrawal of any funds currently in or subsequently deposited to those AdSense accounts, pending further order of the Court.

a. No funds restrained by this Order shall be transferred or surrendered by Google LLC without the express authorization of this Court.

b. No Defendant whose funds are restrained by this Order may transfer said funds in possession of Google LLC without the express authorization of this Court.

7. Any Defendant or financial institution account holder subject to this Order may petition the Court to modify the asset restraint set out in this Order.

This Order shall apply to Defendants, Defendants’ YouTube channels, and any other YouTube channels, websites, or financial accounts which are being used by Defendants for the purpose of pirating Plaintiff’s copyrighted works.

CONCLUSION

For the reasons stated above, the motion for preliminary injunction is GRANTED.

In the event Defendants do not appear and the Clerk enters their default, Plaintiff’s motion for default judgment is due December 15, 2023.

The Court sets a further case management conference for January 17, 2024 at 1:30 p.m. via Zoom video. If Plaintiff files a motion for default judgment, the Court will convert this case management conference into a hearing on the motion for default judgment.

This Order disposes of Docket No. 5.

IT IS SO ORDERED.

Dated: November 2, 2023


JACQUELINE SCOTT CORLEY
United States District Judge